

**REMARKS**

Claims 1-6 and 8-32 constitute the pending claims in the present application. Applicants cancel, without prejudice, claim 7. Applicants reserve the right to prosecute claims of similar or differing scope in this or future applications.

In reply to the outstanding Restriction Requirement, mailed December 16, 2005, in connection with the above application, Applicants hereby elect with traverse Group I, claims 1-11 drawn to methods for diagnosing oral disease. Applicants elect this invention with traverse because the inventions of Groups I, II, III, and IV are directed to overlapping subject matter. For example, the inventions of Groups I, III, and IV are classified in the same class. Furthermore, although classified in differing class and subclass, the inventions of Groups I and II are sufficiently related such that searches of these groups would be overlapping. Thus, Applicants respectfully submit that searches of the inventions of these Groups are co-extensive and can be examined simultaneously without significant additional burden. Accordingly, Applicants respectfully request rejoinder of, at least, the inventions of Groups I and II.

The Restriction Requirement also contained a requirement to elect a species. Specifically, Applicants' election to prosecute the invention of Group I also requires election of particular species for search purposes only. Applicants elect the following species for search purposes: mRNA (A – species of expression level, see for example claim 5); ferritin (C- species of gene), tissue (D – species of biological sample, see for example claim 10); oral cancer (E – species of oral disease, see for example claims 8, 9, and 11).

The Office Action further required Applicants to elect a species of a method of determining mRNA expression (species B, see previously pending claim 7). Applicants' cancellation of claim 7 renders this requirement moot for the invention of Group I. MPEP 808.01(a) ("Election of species may be required prior to a search on the merits (A) in applications containing claims to a plurality of species with no generic claims, and (B) in applications containing both species claims and generic or Markush claims."). Applicants submit that, in view of Applicants' cancellation of claim 7, an election of previously characterized species B is no longer required. Accordingly, Applicants respectfully submit that, in view of the foregoing species elections, this reply is fully responsive to the Restriction Requirement.

Applicants note that claim 1 is generic to all of the elected species. Furthermore, claims 1, 5, 6, and 8-11 read on all of the elected species. Applicants note that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species.

**CONCLUSION**

Claims 1-32 constitute the pending claims in the present application. Applicants elect with traverse Group I. If any clarification of the above response would facilitate prosecution of this application, Applicants respectfully request that the Examiner contact the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945, under Order No. MIN-P01-042.**

Date: September 28, 2006

Respectfully Submitted,



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